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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/038,874

12/31/2001

Guy Roberts

US010686

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24737

7590

05/05/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LUU, SY D

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/038,874	ROBERTS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sy D. Luu	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/11/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically a signal. Computer signals are not physical "things," nor are they statutory processes, as they are not "acts" being performed. Such claimed elements do not define any structural and functional interrelationships between the signal and other claimed aspects of the invention which permit the signal's functionality to be realized. In contrast, a claimed computer - readable medium encoded with computer signals defines structural and functional interrelationships between the computer program and the medium which permit the signal's functionality to be realized, and is thus statutory. See MPEP §2106 Section IV.B.1(a).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3-6, 8-11, 13-16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Maissel et al. ("Maissel", US 6,637,029 B1).

As per claims 6 and 9-10, Maissel teach a content reception system comprising:

a input receiving content and information items regarding the content, wherein the information items form a search pool; and a display controller receiving search results from a search on the search pool and generating a plurality of graphical elements representative of each available item within a search pool, a graphical feature of each graphical element depending upon a relevance of the associated item to specified criteria, wherein the graphical element is updated in response to any change to the specified criteria or the search pool, wherein the graphical element is updated whenever the specified criteria are changed by either adding; deleting or modifying a search query element or updating a user profile, and wherein the graphical element is updated whenever an item is added or deleted from the search pool (Abstract; fig. 9D; col. 3, lines 1-8 and 36 et seq.; col. 6, lines 20 et seq.; col. 12, lines 46 et seq.).

As per claim 8, Maissel teach one or more graphical elements are representative of multiple items within the search pool and serving as a user control triggering expanded display of additional graphical elements each representative of a subset of the multiple items (col. 20, lines 60 – col. 21, line 8).

Claims 1 and 3-5 are individually similar in scope to claims 6 and 8-10 respectively, and are therefore rejected under similar rationale.

Claims 11 and 13-15 are individually similar in scope to claims 6 and 8-10 respectively, and are therefore rejected under similar rationale.

Claims 16 and 18-20 are individually similar in scope to claims 6 and 8-10 respectively, and are therefore rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 7, 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel et al. ("Maissel", US 6,637,029 B1) in view of Czerwinski et al. ("Czerwinski", US 6,243,093).

Maissel teaches all of the limitations as applied to claim 6 above. However, Maissel does not teach the graphical feature of each graphical element depending upon the relevance of the

associated item to specified criteria further comprises one of a size of the graphical element or a perceived proximity of the graphical element to a viewer. Czerwinski teaches a method for providing a graphical feature of graphical elements in a user interface, wherein depending upon the relevance of associated items to specified criteria, graphical elements are affected by one of a size, and a perceived proximity of the graphical element to a viewer (Abstract; fig. 14). It would have been obvious to an artisan at the time of the invention to combine Czerwinski's teaching with the system of Maissel in order to provide a visual feedback to a user of the degree of relevancy according to the user's preferences.

Claims 2, 12, 17 are individually similar in scope to claim 7, and are therefore rejected under similar rationale.

### *Inquires*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Sy D. Luu', is positioned above the printed name.

**SY D. LUU**  
**PRIMARY EXAMINER**  
**ART UNIT 2174**

SDL: 5/1/06